

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L. KELLEY,

Plaintiffs,

v.

BORGWARNER INC., BORGWARNER
DIVERSIFIED TRANSMISSION
PRODUCTS INC., and BORGWARNER
FLEXIBLE BENEFITS PLANS,

Defendants.

Case 2:09-cv-10918-PDB-MKM

U.S. District Judge Paul D. Borman

U.S. Magistrate Judge Mona K. Majzoub

**BORGWARNER'S SUPPLEMENTAL
APPENDIX OF SUMMARY JUDGMENT EXHIBITS
VOLUME 1**

| Exhibit | Description |
|-----------------|--|
| <i>Volume I</i> | |
| 26 | Letter from J.E. Reising to Allan Dulaney (Aug. 4, 1989) (DTP004527–DTP004529) (Pls.' Dep. Ex. 111) |
| 27 | Letter from Jack Reising to Retirees/Survivors (Sept. 14, 1989) (DTP004639–DTP004642) (Pls.' Dep. Ex. 3) |
| 28 | Retirement Checklist (Nov. 1990) (CM000085) (Pls.' Dep. Ex. 10) |
| 29 | Memorandum from Laura Hess to Chuck Smith (Oct. 9, 1992) (INTL UAW 001369–INTL UAW 001373) (Champagne Dep. Ex. 20) |
| 30 | Response to Comments of Laura Hess (Oct. 13, 1992) (UAW001450–UAW001457) (Champagne Dep. Ex. 21) |
| 31 | Letter from Laura Hess to John C. Daffara (Nov. 23, 1992) (DTP007197–DTP007221) (Champagne Dep. Ex. 23) |
| 32 | Retirement Checklist for LaRue Cross (June 23, 2005) (BWB00001074) (Cross Dep. Ex. 4) |
| 33 | Deposition of LaRue Cross (Jan. 6, 2012) |

| Exhibit | Description |
|----------------|---|
| 34 | Deposition of Jack Reising (Feb. 8, 2012) |
| | <i>Volume 2</i> |
| 35 | Deposition of Charles G. Smith (Jan. 6, 2012) |
| 36 | Deposition of George Turczynowsky (Nov. 16, 2011) |

Dated: June 14, 2012

Respectfully submitted,

Elisa Angeli Palizzi (P52088)
(angeli@millercanfield.com)
Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
313.496.7635
313.963.6420 fax

s/Bobby R. Burchfield
Bobby R. Burchfield
(bburchfield@mwe.com)
Joshua David Rogaczewski
(jrogaczewski@mwe.com)
McDermott Will & Emery LLP
600 13th Street, Northwest
Washington, D.C. 20005
202.756.8000
202.756.8087 fax

*Attorneys for BorgWarner Inc., BorgWarner Diversified Transmission Products Inc., and
BorgWarner Flexible Benefits Plans*

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2012, I electronically filed the foregoing **BorgWarner's Supplemental Appendix of Summary Judgment Exhibits, Volume 1** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

s/Bobby R. Burchfield
Bobby R. Burchfield
(bburchfield@mwe.com)
McDermott Will & Emery LLP
600 13th Street, Northwest
Washington, D.C. 20005
202.756.8000
202.756.8087 fax